

REMARKS

In the Decision on Appeal decided 09/16/2009, the Board of Appeals has affirmed the Examiner's rejection of Claims 1-12, 18-21, 24-28, and 30 under 35 U.S.C. 103(a) as being unpatentable over Rivard (U.S. Patent No. 5,987,567), in view of Wang (U.S. Patent No. 5,831,640). Also in the Decision on Appeal decided 09/16/2009, the Board of Appeals has also affirmed the Examiner's rejection of Claims 13-17, 22, 23, and 29 under 35 U.S.C. 103(a) as being unpatentable over Rivard, in view of Wang, and further in view of Applicant Admitted Prior Art (AAPA).

Applicant respectfully asserts that such rejection has been overcome in view of the amendments made hereinabove to the independent claims. Specifically, applicant has amended the independent claims to at least substantially include the following:

“wherein an instruction set is received in response to the instruction request, the instruction set including a plurality of instructions such that the plurality of instructions are received at a single time for performing at least one optimization operation, the at least one optimization operation including at least one of combining at least a portion of the plurality of instructions, modifying at least a portion of the plurality of instructions, and deleting at least a portion of the plurality of instructions” (see this or similar, but not necessarily identical language in the independent claims).

In the Decision on Appeal decided 09/16/2009, the Board of Appeals has argued that applicant's arguments are “not responsive to the Examiner's position that it would have been obvious to receive and execute a series of display instructions one instruction at a time” (see Page 29 of the Decision on Appeal decided 09/16/2009).

Applicant respectfully asserts that the amendments made hereinabove to the independent claims clearly distinguish receipt and execution of a series of display instructions one instruction at a time, as noted by the Board of Appeals. For example,

receiving and executing a series of display instructions one instruction at a time, as noted by the Board of Appeals, does not even suggest that “an instruction set is received in response to the instruction request, the instruction set including a plurality of instructions such that the plurality of instructions are received **at a single time** for performing at least one optimization operation, the at least one optimization operation including at least one of combining at least a portion of the plurality of instructions, modifying at least a portion of the plurality of instructions, and deleting at least a portion of the plurality of instructions” (emphasis added), as claimed.

Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested. To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NVIDP064).

Respectfully submitted,
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